



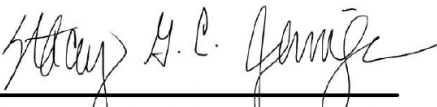
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 28, 2022

  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION TRUSTEE  
OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA; SCOTT  
ELLINGTON; ISAAC LEVENTON; GRANT JAMES  
SCOTT III; STRAND ADVISORS, INC.; NEXPOINT  
ADVISORS, L.P.; HIGHLAND CAPITAL  
MANAGEMENT FUND ADVISORS, L.P.;  
DUGABOY INVESTMENT TRUST AND NANCY  
DONDERO, AS TRUSTEE OF DUGABOY

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

STIPULATION AND PROPOSED  
ORDER

<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

**STIPULATION AND PROPOSED SECOND AMENDED SCHEDULING ORDER**

Plaintiff Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust (the “Litigation Trustee”), and the Defendants (together with the Litigation Trustee, the “Parties”), stipulate and agree that following the Litigation Trustee’s filing of his *Amended Complaint and Objection to Claims*, dated May 19, 2022 [Docket No. 158] (the “Amended Complaint”), certain modifications to the Court’s *Amended Scheduling Order* [Docket No. 81] (the “Scheduling Order”) are necessary and appropriate. The Parties hereby respectfully submit this *Second Amended Scheduling Order* (the “Revised Scheduling Order”) that, upon entry by the Court, supersedes and replaces the deadlines set forth in the Scheduling Order. Accordingly, the parties ask it be

**HEREBY ORDERED THAT:**

1. The Parties shall adhere to the following deadlines, which govern this Adversary

Proceeding:

<b>Event</b>	<b>Deadline</b>
Deadline for each Defendant to answer or otherwise move against the Amended Complaint	July 11, 2022
Deadline for the Litigation Trustee to file an opposition to any motion filed by the Defendant(s) in response to the Amended Complaint	September 19, 2022
Deadline for each Defendant to file a reply to the Litigation Trustee's filing in opposition to any motion filed by Defendant(s) in response to the Amended Complaint	November 14, 2022
Substantial completion of fact document discovery	December 5, 2022
Start of fact depositions	Earlier of January 3, 2023 or decision on the last outstanding motion to dismiss
Completion of fact depositions	April 4, 2023
Deadline to exchange names and addresses of experts and expert witness reports	May 9, 2023
Deadline to exchange names and addresses of rebuttal experts and rebuttal expert witness reports	July 6, 2023
Expert discovery closes	August 10, 2023
Dispositive motion deadline	September 8, 2023
Deadline to file a response to dispositive motions	November 3, 2023
Deadline to file a reply in support of dispositive motions	December 1, 2023
Last date for hearings on dispositive motions (subject to the Court's schedule)	December 22, 2023
Deadline to exchange expert and witness lists	December 29, 2023
Joint pretrial order deadline	February 2, 2024
Written proposed findings of fact and conclusions of law deadline	February 2, 2024
Docket call	February 12, 2024 at 1:30 pm CT

2. This Revised Scheduling Order shall only be modified in a writing signed by the Parties or upon entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Revised Scheduling Order.

###End of Order###

**AGREED AS TO FORM AND SUBSTANCE:**

Dated: June 20, 2022

Respectfully submitted,

**SIDLEY AUSTIN LLP**

/s/ Paige Holden Montgomery

Paige Holden Montgomery  
Juliana L. Hoffman  
2021 McKinney Avenue, Suite 2000  
Dallas, Texas 74201  
Telephone: (214) 981-3300  
Facsimile: (214) 981-3400

-and-

**QUINN EMANUEL URQUHART &  
SULLIVAN LLP**

Susheel Kirpalani (admitted *pro hac vice*)  
Deborah J. Newman (admitted *pro hac vice*)  
Robert Loigman (admitted *pro hac vice*)  
Benjamin I. Finestone (admitted *pro hac vice*)  
Calli Ray (admitted *pro hac vice*)  
Alexandre J. Tschumi (admitted *pro hac vice*)  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000

*Counsel for the Marc. S. Kirschner, as  
Litigation Trustee of the Highland Litigation  
Sub-Trust*

**KANE RUSSELL COLEMAN LOGAN PC**

/s/ John J. Kane

John J. Kane  
Brian W. Clark  
901 Main Street, Suite 5200  
Dallas, Texas 75202  
Telephone: (214) 777-4200  
Facsimile: (214) 777-4299

*Counsel for Defendant Grant James Scott III*

**KELLY HART PITRE**

/s/ Louis M. Phillips

Louis M. Phillips  
One American Place  
301 Main Street, Suite 1600  
Baton Rouge, LA 70801  
Telephone: (225) 381-9643  
Facsimile: (225) 336-9763  
Amelia L. Hurt  
400 Poydras Street, Suite 1812  
New Orleans, LA 70130  
Telephone: (504) 522-1812  
Facsimile: (504) 522-1813

and

**KELLY HART & HALLMAN**

Hugh G. Connor II  
Michael D. Anderson  
Katherine T. Hopkins  
201 Main Street, Suite 2500  
Fort Worth, Texas 76102  
Telephone: (817) 332-2500  
Facsimile: (817) 878-9280

*Counsel for Defendants CLO Holdco, Ltd.,  
Highland Dallas Foundation, Inc., Charitable  
DAF Fund, LP, and Charitable DAF Holdco,  
Ltd.*

**STINSON L.L.P.**

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219  
Telephone: (214) 560-2201  
Facsimile: (214) 560-2203

*Counsel for Defendants NexPoint Advisors,  
L.P. and Highland Capital Management Fund  
Advisors, L.P.*

**DLA PIPER LLP**

/s/ Amy L. Ruhland

Amy L. Ruhland  
303 Colorado Street, Suite 3000  
Austin, Texas 78701  
Telephone: (512) 457-7000  
Facsimile: (512) 457-7001

*Counsel for Defendants James D. Dondero,  
Strand Advisors, Inc., The Dugaboy  
Investment Trust, and The Get Good Trust*

**BAKER & MCKENZIE LLP**

/s/ Michelle Hartmann

Michelle Hartmann  
1900 North Pearl, Suite 1500  
Dallas, Texas 75201  
Telephone: 214-978-3000  
Facsimile: 214-978-3099

and

Debra A. Dandeneau  
452 Fifth Ave  
New York, NY 10018  
Telephone: 212-626-4875

*Counsel for Scott Ellington and  
Isaac Leventon*

**ROCHELLE MCCULLOUGH LLP**

/s/ E.P. Keiffer

E.P. Keiffer  
325 North St. Paul Street, Suite 4500  
Dallas, Texas 75201  
Telephone: (214) 580-2525  
Facsimile: (214) 953-0185

*Counsel for Hunter Mountain Investment  
Trust and Rand PE Fund I, LP, Series I*

**SULLIVAN & CROMWELL LLP**

/s/ Brian D. Glueckstein

Brian D. Glueckstein  
125 Broad Street  
New York, New York 10004  
Telephone: (212) 558-4000  
Facsimile: (212) 558-3588

and

Cortney C. Thomas  
BROWN FOX PLLC  
8111 Preston Road, Suite 300  
Dallas, Texas 75225  
Telephone: (214) 327-5000  
Facsimile: (214) 327-5001

*Counsel for Mark Okada, The Mark and  
Pamela Okada Family Trust – Exempt Trust  
#1, and The Mark and Pamela Okada Family  
Trust – Exempt Trust #2*

**VANACOUR PERKINS PLLC**

/s/ Kevin Perkins

Jason Vanacour  
Kevin Perkins  
5851 Legacy Circle #600  
Plano, TX 75024  
Telephone: (972) 865-6033  
Facsimile: (972) 476-1109

*Counsel for Massand Capital, Inc. and  
Massand Capital, LLC*

United States Bankruptcy Court  
Northern District of Texas

Kirschner,  
Plaintiff  
Dondero,  
Defendant

Adv. Proc. No. 21-03076-sgj

## CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 3

Date Rcvd: Jun 29, 2022

Form ID: pdf001

Total Noticed: 7

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 01, 2022:**

Recip ID	Recipient Name and Address
aty	+ Jeremy A. Root, Stinson LLP, 230 W. McCarty Street, Jefferson City, MO 65101-1553
dft	+ CPCM, LLC, c/o Ross & Smith, PC, Attn: Frances A. Smith, 700 N. Pearl Street, Suite 1610 Dallas, TX 75201-7459
dft	+ Highland Capital Management Fund Advisors, L.P., K&LGates LLP, c/o Stephen G. Topetztes, 1600 K Street, NW, Washington, DC 20006-2806
dft	+ Hunter Mountain Investment Trust, c/o E. P. Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827
dft	+ NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetztes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 5

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Jun 29 2022 21:23:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustpreion07.au.ecf@usdoj.gov	Jun 29 2022 21:23:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
crc	*+	Hunter Mountain Investment Trust, c/o E. P. Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 01, 2022

Signature: /s/Gustava Winters



District/off: 0539-3  
Date Rcvd: Jun 29, 2022

User: admin  
Form ID: pdf001

Page 2 of 3  
Total Noticed: 7

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 29, 2022 at the address(es) listed below:

Name	Email Address
Brian D. Glueckstein	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 gluecksteinb@sullcrom.com
Brian D. Glueckstein	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 gluecksteinb@sullcrom.com
Brian D. Glueckstein	on behalf of Defendant Mark Okada gluecksteinb@sullcrom.com
Cortney C. Thomas	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #1 cort@brownfoxlaw.com korourke@brownfoxlaw.com
Cortney C. Thomas	on behalf of Defendant Mark Okada cort@brownfoxlaw.com korourke@brownfoxlaw.com
Cortney C. Thomas	on behalf of Defendant MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST EXEMPT TRUST #2 cort@brownfoxlaw.com korourke@brownfoxlaw.com
Deborah Rose Deitsch-Perez	on behalf of Defendant Highland Capital Management Fund Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
Deborah Rose Deitsch-Perez	on behalf of Defendant NexPoint Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
Debra A Dandeneau	on behalf of Defendant CPCMC LLC debra.dandeneau@bakermckenzie.com, blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Isaac Leventon debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Scott Ellington debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Debra A Dandeneau	on behalf of Defendant Frank Waterhouse debra.dandeneau@bakermckenzie.com blaire.cahn@bakermckenzie.com
Edwin Paul Keiffer	on behalf of Cross-Claimant RAND PE FUND I LP, SERIES 1 pkeiffer@romclaw.com, bwallace@romclaw.com
Edwin Paul Keiffer	on behalf of Defendant RAND PE FUND I LP, SERIES 1 pkeiffer@romclaw.com, bwallace@romclaw.com
Edwin Paul Keiffer	on behalf of Defendant Hunter Mountain Investment Trust pkeiffer@romclaw.com bwallace@romclaw.com
Edwin Paul Keiffer	on behalf of Cross-Claimant Hunter Mountain Investment Trust pkeiffer@romclaw.com bwallace@romclaw.com
Jason Michael Hopkins	on behalf of Defendant James D. Dondero jason.hopkins@dlapiper.com jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant DUGABOY INVESTMENT TRUST AND NANCY DONDERO AS TRUSTEE OF DUGABOY INVESTMENT TRUST jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant Hunter Mountain Investment Trust jason.hopkins@dlapiper.com jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant GET GOOD TRUST AND GRANT JAMES SCOTT III AS TRUSTEE OF GET GOOD TRUST jason.hopkins@dlapiper.com, jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com
Jason Michael Hopkins	on behalf of Defendant RAND PE FUND I LP, SERIES 1 jason.hopkins@dlapiper.com,

District/off: 0539-3  
Date Rcvd: Jun 29, 2022

User: admin  
Form ID: pdf001

Page 3 of 3  
Total Noticed: 7

jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com

Jason Michael Hopkins

on behalf of Defendant STRAND ADVISORS INC jason.hopkins@dlapiper.com,  
jen.westin@dlapiper.com;jason-hopkins-2248@ecf.pacerpro.com

John J. Kane

on behalf of Defendant Grant James Scott III jkane@krcl.com ecf@krcl.com;jkane@ecf.courtdrive.com

Juliana Hoffman

on behalf of Plaintiff Marc Kirschner jhoffman@sidley.com  
txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com

Louis M. Phillips

on behalf of Defendant Charitable DAF Fund LP louis.phillips@kellyhart.com,  
june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com

Louis M. Phillips

on behalf of Defendant CLO HOLDCO LTD.; CHARITABLE DAF HOLDCO, LTD. louis.phillips@kellyhart.com,  
june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com

Louis M. Phillips

on behalf of Defendant Highland Dallas Foundation Inc. louis.phillips@kellyhart.com,  
june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com

Margaret Michelle Hartmann

on behalf of Defendant Frank Waterhouse michelle.hartmann@bakermckenzie.com

Margaret Michelle Hartmann

on behalf of Defendant Scott Ellington michelle.hartmann@bakermckenzie.com

Margaret Michelle Hartmann

on behalf of Defendant CPCM LLC michelle.hartmann@bakermckenzie.com

Margaret Michelle Hartmann

on behalf of Defendant Isaac Leventon michelle.hartmann@bakermckenzie.com

Melissa S. Hayward

on behalf of Debtor Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com

Michael P. Aigen

on behalf of Defendant Highland Capital Management Fund Advisors L.P. michael.aigen@stinson.com,  
stephanie.gratt@stinson.com

Michael P. Aigen

on behalf of Defendant NexPoint Advisors L.P. michael.aigen@stinson.com, stephanie.gratt@stinson.com

Paige Holden Montgomery

on behalf of Plaintiff Marc Kirschner pmontgomery@sidley.com  
txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnoti  
ce@sidley.com

Zachery Z. Annable

on behalf of Debtor Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 36